

IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI (Joplin)

IN RE:)	
)	
Layceigh Rae Compton)	
fka Tabitha R. Woolaway)	Case No. 23-60308
Debtor,)	Chapter 7
)	
American Credit Acceptance)	
Movant,)	
v.)	
)	
Tabitha Rae Woolaway)	
)	
Respondent,)	
and)	
)	
Jill D. Olsen)	
Trustee.)	

MOTION FOR RELIEF FROM STAY

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Movant, American Credit Acceptance, and alleges as follows:

I.

Movant is a secured creditor of Respondent in the above-captioned cause.

II.

On or about September 20, 2017, and prior to the filing of Debtor's petition in bankruptcy, Respondent executed and delivered a Retail Installment Sale Contract payable to the order of Movant.

III.

As security for Respondent's obligation on said Agreement, Respondent granted to Movant a security interest in the following property of Respondent: a 2008 Mitsubishi Eclipse-4 CY: VIN

4A3AK64F48E015189, said Agreement is attached hereto as Exhibit “A.” A copy of the title report to said motor vehicle is attached hereto as Exhibit “B.”

IV.

Respondent has defaulted on her obligation to Movant in that she has failed to make the payments required under the terms of the Agreement. Respondent owes Movant the sum of \$7,888.13, plus interest and attorneys' fees. The Respondent has defaulted in making the payments due Movant and the current delinquent amount due is \$7,888.13, representing default since January 4, 2019. A copy of a statement of account is attached hereto as Exhibit “C”.

V.

Movant will be inadequately protected in the event that the automatic stay is not lifted. Respondent is unable to make the payments called for in the Agreement during the pendency of this bankruptcy. The value of the collateral is declining during the pendency of this bankruptcy. Respondent has no equity in the collateral. The current amount owed to Movant is approximately \$7,888.13. The current NADA value of the vehicle appears to be \$5,775.00. There is no equity available to the estate.

VI.

The continuation of the automatic stay will work real and irreparable harm to Movant and will deprive Movant of adequate protection to which it is entitled under 11 U.S.C. §362 and §363 for the reasons mentioned above.

VII.

The continuation of the automatic stay could result in an unlawful taking of Movant's property.

VIII.

That the Chapter 7 Trustee abandon any interest in the 2008 Mitsubishi Eclipse-4 CY: VIN 4A3AK64F48E015189 as an asset of the bankruptcy estate effective upon lift of stay, if that should occur.

WHEREFORE, Movant prays for a judgment immediately terminating the automatic stay, not subject to the STAY OF ORDER of Rule 4001 of the Federal Rules of Bankruptcy Procedure, to permit Movant to exercise any of its rights on the following property: a 2008 Mitsubishi Eclipse-4 CY: VIN 4A3AK64F48E015189 and directing that the Chapter 7 Trustee abandon all interest in the secured collateral conditioned upon Movant providing the Chapter 7 Trustee with a full accounting of the liquidation and sale of said secured collateral effective as of the date of the Order.

Respectfully submitted,

LEWIS RICE LLC

/s/Michael P. Gaughan

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ATTORNEYS FOR MOVANT

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Debtor,) Chapter 7
_____)

SUMMARY OF EXHIBITS AND CERTIFICATE OF SERVICE

The following exhibits in reference to the Motion for Relief from Stay are available upon request:

1. Retail Installment Contract;
2. Notice of Lien; and
3. Statement of Account

It is hereby certified that copies of the Motion for Relief from Stay and Exhibits were mailed by United States mail, postage prepaid, this 23rd day of June, 2023, to the following:

Layceigh Rae Compton
5467 Ridgeview Rd.
Pleasant Hope, MO 65725
Debtor

Jill D. Olsen
118 N. Conistor Ln. Ste. B #290
Liberty, MO 64068
Trustee

Ryan A. Blay
15095 W. 116th St.
Olathe, KS 66049
Attorney for Debtor

Respectfully submitted,
LEWIS RICE LLC

/s/Michael P. Gaughan
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